

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

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CABLE ADDRESS
GOV. NMI SAIPAN
REPLY TO:

DEPT. or ACTIVITY

SEP 1 1983

The Honorable Olympio T. Borja
President of the Senate
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

and

The Honorable Benigno R. Fitial
Speaker, House of Representatives
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

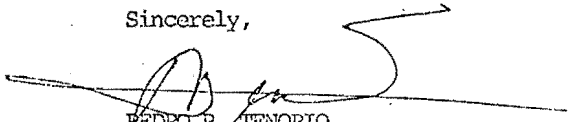
Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into laws Senate Bill No. 3-85, S.D.2, H.D.2, and House Bill No. 330, which were passed by the Third Northern Marianas Commonwealth Legislature.

Senate Bill No. 3-85, S.D.2, H.D.2, entitled, "To provide for a Criminal Code of the Commonwealth, to repeal certain sections of the Trust Territory Code, and for other purposes," becomes Public Law No. 3-71, and House Bill No. 330, entitled, "To amend the Commonwealth Criminal Code and for other purposes," becomes Public Law No. 3-72.

Senate Bill No. 3-85, S.D.2, H.D.2 represents a major advance in the administration of criminal justice. However, I could not approve of its initial form and was concerned that the great effort put into the legislation and its advantages would be lost if it were not amended. Your prompt response in passing House Bill No. 330, which provided the necessary changes, has saved the Criminal Code enacted in Senate Bill 3-85. It gives me great pleasure to sign these two bills into law and I thank you for your effort.

Sincerely,


PEDRO P. TENORIO
Governor

CC: Special Assistant for Programs and Legislative Review

FOURTH REGULAR SESSION, 1983

AN ACT

To amend the Commonwealth Criminal Code and for other purposes.

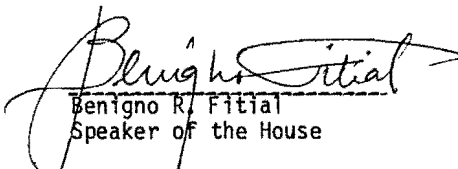
BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

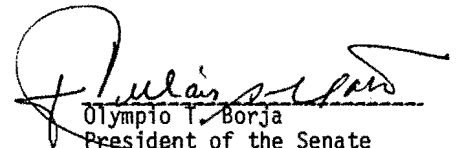
1 Section 1. Short Title. This Act may be cited as the
2 Commonwealth Criminal Code Amendments Act of 1983.

3 Section 2. Amendments. The following amendments are hereby
4 made to the Commonwealth Criminal Code, (Senate Bill No. 3-85, SD2,
5 HD2), by substituting the attached pages for the corresponding
6 numbered pages in the Code.

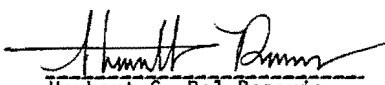
7 Section 3. Repealer. The corresponding numbered pages in the
8 Code for which substitute pages are provided by Section 2 of this Act
9 are hereby repealed. Pages 61 through 86 of the Commonwealth Criminal
10 Code are also hereby repealed.

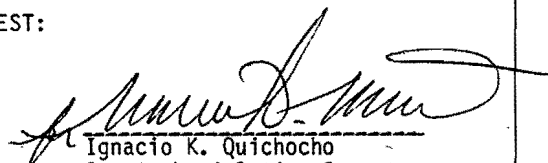
11 Section 4. Effective Date. This Act shall take effect on the
12 same date as provided in Section 111 of the Commonwealth Criminal Code
13 and upon its approval by the Governor, only if the approval is given
14 after the Commonwealth Criminal Code, Senate Bill 3-85, SD2, HD2 has
15 been signed into law.


Benigno R. Fitial
Speaker of the House


Olympio T. Borja
President of the Senate

ATTEST:


Herbert S. Del Rosario
Chief Clerk


Ignacio K. Quichocho
Senate Legislative Secretary

1 privileged to infringe, regardless of the fact that the
2 defendant also has an interest in the property and regardless
3 of the fact that the other person might be precluded from civil
4 recovery because the property was used in an unlawful transaction
5 or was subject to forfeiture as contraband. Property in
6 possession of the defendant shall not be deemed property of
7 another who has only a security interest therein, even if legal
8 title is in the creditor pursuant to a conditional sales
9 contract or other security agreement.

10 (cc) "Public place" means a place where the general
11 public has a right, permission, or license to resort, gather
12 together, or pass to and fro, and which is usually accessible
13 and normally visited by many persons.

14 (dd) "Public accommodation" means any establishment which
15 provides lodging to transient guests for charge, or any
16 establishment which is engaged in selling food, beverage or
17 gasoline to the public, or any place of recreation, amusement,
18 exhibition, sightseeing, or entertainment which is open to
19 members of the public, or any facility for the public
20 transportation of persons or goods.

21 (ee) "Public servant" means any elected or appointed
22 official, employee, or authorized agent of any branch
23 department, agency, public authorized association or
24 instrumentality of the Commonwealth Government; including
25 legislators and judges, and any person acting as an advisor,
26 consultant or otherwise, in performing a governmental
27 function. The term

1 (jj) "Services" includes labor, professional service,
2 transportation, telephone or other public service, accommodation
3 in or food from hotels, restaurants or elsewhere, admission to
4 exhibitions, and use of vehicles or other movable property.

5 (kk) "Sexual contact" means any touching of the sexual
6 or other intimate parts of another person or any touching of
7 another person by a person's sexual or other intimate parts
8 done with the intent of gratifying or arousing the sexual
9 desire of either party.

10 (ll) "Sexual intercourse" means coitus whether or not
11 there is any emission.

12 (mm) "Spouse" includes the husband or wife of a
13 customary marriage.

14 (nn) "Transfer" means sale, gift, purchase or any other
15 means by which ownership or temporary rights of sue and control
16 are conveyed or shifted from one person to another.

17 (oo) "Unlawfully" means without lawful authority or
18 purpose, or contrary to law, regulation or order of the
19 detaining authority.

20 (pp) "Usurps" means to seize, take possession of or
21 otherwise control with wrongful intent, or without lawful
22 authority.

23 (qq) "Writing" includes printing or any other method of
24 recording information, money, coins, tokens, checks, negotiable
25 instruments, stamps, seals, credit cards, badges, trade-marks,

1 Territory Code, Chapters 3, 7, 9, 11, 15, 17, 23, 29, 31, 33, 35,
2 37, 39, 41, 45, 51, 53, 55, section 1404 of Chapter 57, 59, 61;
3 Chapters 1 through 13 of Title 5 of the Trust Territory Code.

4 "Section 111. Effective Date. This Act shall take effect
5 90 days after its approval by the Governor, or 90 days after
6 the time lapses for the Governor's review pursuant to Article
7 II, Section 7(b) of the Constitution of the Commonwealth of the
8 Northern Mariana Islands.

9 Division 2. Inchoate Crimes

10 Sections

11 201. Attempts.

12 202. Solicitation.

13 203. Conspiracy.

14 204. Penalties for Attempt, Solicitation,
15 and Conspiracy.

16 "Section 201. Attempts.

17 (a) A person commits the offense of attempt if, with
18 intent to commit an offense, he does an overt act which
19 constitutes a substantial step in a course of conduct planned
20 to culminate in the commission of that offense.

21 (b) It is an affirmative defense to a charge of attempt
22 that the offense was not committed because the defendant
23 desisted voluntarily and in good faith abandoned his intention
24 to commit the offense without causing any of the effects
25 proscribed by this Code.

1 relationship.

2 (c) It is an affirmative defense that the defendant, under
3 circumstances showing a complete and voluntary renunciation of his
4 criminal intent, made a reasonable effort to prevent the conduct
5 or result which is the object of the conspiracy.

6 "Section 204. Penalties for Attempt, Solicitation, and Conspiracy.

7 (a) A person convicted of attempt or solicitation shall be
8 punished:

9 (1) if the maximum sentence provided for the offense
10 which was the object of the attempt or solicitation
11 is life imprisonment, by imprisonment for not more than
12 twenty years;

13 (2) otherwise, by imprisonment for not more than
14 one-half of the maximum penalty provided for the underlying
15 offense which was the object of the attempt or solicitation.

16 (b) A person convicted of conspiracy shall be punished by
17 not more than the same penalty provided for the underlying
18 offense.

19 Division 3. General Principles of Responsibility

20 (RESERVED)

21 Division 4. Crimes Against Persons and Property

22 Part I. Offenses Against the Person

23 Sections

24 401. Murder.

25 402. Manslaughter.

1 Part V. Offenses Against Public Peace, Safety
2 and Morals

3 Sections

- 4 461. Disturbing the Peace.
5 462. Riot.
6 463. Bigamy.
7 464. Nuisance.
8 465. Duty to Report Wounds or Deaths.

9 Part I. Offenses Against the Person

9 "Section 401. Murder. Murder is the unlawful killing of a
10 human being by another human being with malice aforethought.

11 (a) First Degree Murder. First Degree Murder is a
12 murder which is:

- 13 (1) willful, premeditated, and deliberated;
14 (2) perpetrated by poison, lying in wait, torture,
15 or bombing; or
16 (3) one that occurs during the perpetration or
17 attempted perpetration of arson, rape, burglary, robbery,
18 or any sexual abuse of a child.

19 (b) Second Degree Murder. Second Degree Murder is a
20 murder which is not one of the types specified as First
21 Degree Murder.

22 (c) Penalty for Murder.

23 (1) First Degree Murder. Every person guilty of
24 murder in the first degree shall be punished by
25 imprisonment for a minimum term of ten years and may be
26 punished for a maximum term of life imprisonment.

1 not more than ten years.

2 (2) Involuntary manslaughter. Every person guilty of
3 involuntary manslaughter shall be punished by imprisonment
4 of not more than five years.

5 "Section 403. Vehicular Homicide.

6 (RESERVED)

7 "Section 404. Rape Defined. Rape is an act of sexual
8 intercourse with a person not the spouse of the perpetrator, under
9 any of the following circumstances:

10 (a) where it is accomplished against a person's will by
11 means of force or fear of immediate and unlawful injury on the
12 person or upon another;

13 (b) where a person is incapable, through unsoundness of
14 mind, whether temporary or permanent, of giving legal consent;

15 (c) where a person is prevented from resisting by any
16 intoxicating narcotic, or anaesthetic substance, administered
17 by or with the privity of the accused; or

18 (d) where a person is at the time unconscious of the
19 nature of the act, and this is known to the accused.

20 "Section 405. Rape of Spouse Defined. A defendant may be
21 convicted of rape of spouse if there is an act of sexual intercourse
22 under one of the circumstances in Section 404 and one of the
23 following additional circumstances is met:

24 (a) the defendant was an accomplice or accessory to the
25 sexual assault by a third person;

1 "Section 412. Rape by Object.

2 (a) Any person who causes the penetration, however slight,
3 of the genital or anal openings of another person, by any foreign
4 object, substance, instrument, or device when the act is accomplished
5 against the victim's will by means of force, violence, duress, menace,
6 or fear of immediate and unlawful bodily injury on the victim or
7 another person for the purpose of sexual arousal, gratification, or
8 abuse, shall be punished by imprisonment for not more than ten (10)
9 years.

10 (b) If any of the special circumstances found in Section
11 406(b) has been charged and specially been found to be true, the
12 defendant shall be punished by imprisonment for a minimum term of
13 2 years, and may be punished for a maximum term of 20 years.

14 "Section 413. Sexual Abuse of a Child.

15 (RESERVED)

16 "Section 414. Assault.

17 (a) A person commits the offense of assault if he
18 unlawfully offers or attempts, with force or violence, to strike,
19 beat, wound, or to do bodily harm to another.

20 (b) A person convicted of assault shall be punished by
21 imprisonment for not more than six months.

22 "Section 415. Assault and Battery.

23 (a) A person commits the offense of assault and battery
24 if he unlawfully strikes, beats, wounds, or otherwise does bodily
25 harm to another, or if he has sexual contact with another without
26 the other person's consent.

27 (b) A person convicted of assault and battery shall be
28 punished by imprisonment for not more than one year.

1 "Section 416. Aggravated Assault and Battery.

2 (a) A person commits an offense of aggravated assault and
3 battery if he causes serious bodily injury, purposely, knowingly
4 or recklessly.

5 (b) A person convicted of aggravated assault and battery
6 shall be punished by imprisonment for not more than ten years.

7 "Section 417. Assault with a Dangerous Weapon.

8 (a) A person commits the offense of assault with a
9 dangerous weapon if he threatens to cause, attempts to cause,
10 or purposely causes bodily injury to another with a dangerous weapon.

11 (b) A person convicted of assault with a dangerous weapon
12 shall be punished by imprisonment for not more than ten years.

13 "Section 418. Robbery.

14 (a) A person commits the offense of robbery if he takes
15 property from the person of another, or from the immediate
16 control of another, by use or threatened use of immediate force
17 or violence.

18 (b) A person convicted under this Section shall be
19 punished:

20 (1) by imprisonment for not more than ten years; or

21 (2) if the defendant or an accomplice uses a dangerous
22 weapon to obtain the property or inflicts serious bodily
23 injury, the term of imprisonment shall not be more than
24 twenty years.

25 "Section 419. Kidnapping.

26 (a) A person commits the offense of kidnapping: (1) if he
27 unlawfully removes another from his place of residence or business
28 or a substantial distance from the vicinity where he finds the

1 imprisonment for not more than five years;
2 (2) otherwise, by imprisonment for not more than two
3 years.

4 "Section 421. Usurping Control of Aircraft.

5 (a) A person commits an offense if, by force, threat of
6 force, or deception he usurps and controls directly or through
7 another aircraft.

8 (b) A person convicted under this Section may be punished
9 by a maximum term of life imprisonment.

10 "Section 422. Mutiny on a Vessel.

11 (a) A person commits an offense if, by force, threat of
12 force, or deception, he usurps command of a vessel.

13 (b) A person convicted under this Section shall be punished:

14 (1) if the offense or attempt to commit the offense
15 occurs on the high seas, by imprisonment for not more than
16 five years;

17 (2) otherwise, by imprisonment for not more than two
18 years.

19 "Section 423. Indecent Exposure.

20 (a) Any person who wilfully and lewdly exposes his sexual
21 organs or any part thereof in a public place is guilty of
22 indecent exposure. An exposure is made lewdly if made with the
23 specific intent to direct public attention to his genitals for
24 the purpose of his sexual arousal or gratification or to
25 affront others.

26 (b) Indecent exposure may be punished by not more than
27 one year imprisonment.

28 "Section 424. Resisting Arrest.

1 (a) A person who willfully resists, delays, or obstructs
2 any law enforcement officer, in the discharge, or attempt to
3 discharge, any duty of his or her office commits the offense
4 of resisting arrest.

5 (b) "Law Enforcement Officer" shall include any police
6 officer, corrections officer, or fire service officer of the
7 Department of Public Safety, any conservation officer of the
8 Department of Natural Resources, any customs officer of the
9 Department of Finance, or any other law enforcement officer of
10 the Commonwealth or Trust Territory.

11 (c) A person convicted of resisting arrest shall be
12 punished by not more than one year imprisonment or not more than
13 \$1,000 fine or both.

14 Part II. Offense Against Property

15 "Section 431. Theft.

16 (a) A person commits the offense of theft if he
17 unlawfully takes, uses or consumes the property or services of
18 another with intent to permanently deprive the owner of his
19 rights to such property or services. An accusation of theft
20 may be supported by evidence that it was committed in any
21 manner that would be theft under this Chapter, notwithstanding
22 the specification of a different manner in the indictment or
23 information, subject only to the power of the court to ensure a
24 fair trial by granting a continuance or other appropriate relief
25 where the conduct of the defense would be prejudiced by lack
26 of fair notice or by surprise.

- 1 (b) A person convicted under this Section shall be punished:
2 (1) by imprisonment for not more than five years; or
3 (2) by imprisonment for not more than ten years if:
4 (A) the dwelling is entered during the period
5 between thirty minutes past sunset and thirty minutes
6 before sunrise; or
7 (B) if the defendant or an accomplice inflicts
8 bodily injury on anyone or is armed with a dangerous
9 weapon.

10 "Section 452. Arson and Related Offenses.

11 (a) A person commits the offense of arson if he starts a
12 fire or causes an explosion with the purpose of:

13 (1) damaging a building or occupied structure of
14 another; or

15 (2) destroying or damaging any property, whether his
16 own or another's, to collect insurance for such loss.

17 (b) A person convicted under Subsection (a) of this Section
18 shall be punished by imprisonment for not more than ten years.

19 (c) A person commits the offense of reckless burning or
20 exploding if he purposely starts a fire or explosion, whether
21 on his own property or another's, and thereby recklessly:

22 (1) places another person in danger of death or bodily
23 injury; or

24 (2) places the property of another in danger of damage
25 or destruction.

1 (d) A person convicted under Subsection (c) of this Section
2 shall be punished by imprisonment for not more than two years.

3 "Section 453. Criminal Mischief.

4 (a) A person commits the offense of criminal mischief if he
5 intentionally or knowingly:

6 (1) causes damage to property of another;

7 (2) causes another, by deception or threat, to suffer
8 pecuniary or property loss;

9 (3) tampers with property of another thereby causing a
10 a danger to person or property or causing a substantial
11 interruption or impairment of public communication,
12 transportation, supply of water, power or other public
13 service; or

14 (4) discards waste, debris or trash upon land of
15 another or upon any public land not designated as a
16 disposal site.

16 (b) A person convicted under Subsection (a) (1) or
17 (a) (2) shall be punished as provided in Section 431 (b). A
18 person convicted under Subsection (a) (3) or (a) (4) shall be
19 punished by imprisonment for not more than six months.

20 "Section 454. Criminal Trespass.

21 (a) A person commits the offense of trespass if he makes
22 an unlawful and unauthorized entry upon or interferes with the
23 peaceful use and enjoyment of the property of another, and upon
24 being lawfully advised to leave or desist refuses to promptly
25 do so.

26 (b) A person convicted of trespass shall be punished by
27 imprisonment for not more than six months.

1	(RESERVED)
2	<u>Division 7. Offenses Against Government Property</u>
3	(RESERVED)
4	<u>Division 8. Civil Rights</u>
5	(RESERVED)
6	<u>Division 9. Emergency Proclamations</u>
7	(RESERVED)
8	<u>Division 10. Weapons Control</u>
9	(RESERVED)
10	Division 11. Controlled Substances
11	Sections
12	1101. Trafficking Offenses - Penalties.
13	1102. Forfeitures.

1 Section 1101. Trafficking Offenses-Penalties.

2 (a) It shall be unlawful for any person knowingly or
3 intentionally:

4 (1) to manufacture, deliver or possess with intent to
5 manufacture, deliver or dispense, a controlled substance; or

6 (2) to create, distribute, or possess with intent to
7 deliver, a counterfeit controlled substance.

8 (b) Any person who violates paragraph (a) with respect to:

9 (1) a substance classified in Schedules I or II which
10 is a narcotic drug shall be sentenced to a term of
11 imprisonment for not more than ten years, a fine of not
12 more than ten thousand dollars, or both:

13 (2) any other controlled substance classified in
14 Schedules I, II, or III shall be sentenced to a term of
15 imprisonment of not more than five years, a fine of not
16 more than two thousand dollars, or both;

17 (3) a substance classified in Schedule IV shall be
18 sentenced to a term of imprisonment for not more than two
19 years, a fine of not more than one thousand dollars, or
20 both.

21 (c) Notwithstanding paragraph (b) (2) of this Section,
22 any person who violates paragraph (a) (1) of this Section by
23 distributing not more than one ounce of marihuana for no
24 remuneration shall be treated as provided in paragraph (3) (a)
25 of 63 TTC Section 292.

1 Section 1102. Forfeitures.

2 (a) The following shall be subject to forfeiture to the
3 Commonwealth and no property right shall exist in them:

4 (1) All controlled substances which have been
5 manufactured, distributed, dispensed, or acquired.

1 1214. New Trial; Correction or Reduction
2 of Sentence.
3 1215. Findings on Sentencing.
4 1216. Conditional Discharge for possession
5 as First Offense.

6 "Section 1201. Fines. A person who has been convicted of any
7 offense under this Code, unless a fine is elsewhere prescribed by
8 law, in addition to any other punishment authorized by law, may be
9 sentenced to pay a fine not exceeding:

- 10 (a) Ten thousand dollars when the conviction is for an
11 offense punishable by a maximum of ten years imprisonment;
12 (b) Five thousand dollars when the conviction is for an
13 offense punishable by a maximum of five years imprisonment;
14 (c) One thousand dollars when the conviction is for an
15 offense punishable by a maximum of one year imprisonment;
16 (d) Five hundred dollars when the conviction is for an
17 offense punishable by a maximum of six months imprisonment;
18 (e) Fifty dollars when the conviction is for an offense
19 punishable by a maximum of thirty days imprisonment;
20 (f) Any higher amount equal to double the pecuniary gain
21 obtained from the offense by the defendant; or
22 (g) Any higher amount specifically authorized by statute.

23 "Section 1202. Mandatory Sentencing.

- 24 (a) Any person who is armed with a dangerous weapon in the
25 commission of an offense shall be sentenced to serve no less than

1 when that is done at the time sentence is imposed; and provided
2 further, that no defendant shall be imprisoned for a longer period
3 of time than that fixed by law for such offense.

4 "Section 1208. Orders Requiring Specified Residence. The court
5 may, in lieu of or in addition to other lawful punishment or as a
6 condition of probation or suspension of sentence, direct that a person
7 found by it to be guilty of a criminal offense shall establish his
8 place of residence within a specified area and maintain it there for
9 a period of time not exceeding the maximum period of imprisonment
10 which may be imposed for the offense.

11 "Section 1209. Restitution, Compensation or Forfeiture. If a
12 defendant is convicted of any offense defined in this Act, the court
13 may, in lieu of or in addition to other lawful punishment or as a
14 condition of probation or suspension of sentence, order restitution
15 or compensation to the owner or person damaged or the forfeiture of
16 wrongfully obtained property to the Commonwealth.

17 "Section 1210. Closing of Business. If a defendant is convicted
18 of an offense involving the sale of a harmful article or a violation
19 of Section 445 of this Act, the court may, in lieu of or in addition
20 to other lawful punishment, order that the place of sale or business
21 be vacated or closed for a specified time.

22 "Section 1211. Community Service. In any case in which a court
23 is authorized to impose sentence of imprisonment, the court may, if it
24 deems best, instead of imposing imprisonment, sentence the accused to
25 perform hard labor or such other community service in accordance with

September 1, 1983



Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands

Time: 3:15 P.M.